

COMMONWEALTH OF VIRGINIA



TAZEWELL CIRCUIT COURT
Civil Division
135 COURT STREET, SUITE 202
TAZEWELL VA 24651
(276) 385-1222

Summons

To: LOWES HOME CENTERS LLC
CORP SERVICES COMPANY; R/A
100 SHOCKOE SLIP, FL 2
RICHMOND VA 23219

Case No. 185CL21000291-00.

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Friday, February 19, 2021

Clerk of Court: TAMMY B ALLISON

by Heather Barrett
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: COOK, T SHEA
PO BOX 507
RICHLANDS VA 24641



VIRGINIA: IN THE CIRCUIT COURT OF TAZEWEEL COUNTY

NANCY L. JOHNSON,

Plaintiff,

Case No. 21-291

v.

LOWES HOME CENTERS, LLC,

Defendant.

COMPLAINT

Plaintiff, Nancy L. Johnson, moves for judgment against Defendant, Lowes Home Centers, LLC, on the grounds and in the amount set forth below:

1. On July 30, 2019, the Plaintiff was visiting the Lowes in Pounding Mill, Virginia, as a customer/patron. She was looking at weed killer, and while shopping, an employee of Defendant had put a lift machine beside her. Her foot was caught underneath one of the forks and when Plaintiff turned to walk away it caught her foot on the fork, pulling her down toward the machine causing physical injuries.
2. At the time and the place of the incident, it was the duty of the Defendant to maintain walkways within the store in a safe condition for the patrons, guarding against those risks and circumstances reasonably known and expected to exist.
3. Notwithstanding said duties, Defendant was negligent in that it:
 - a. Failed to ensure patron walkways were free and clear so as not to constitute trip, slip or fall hazards; and
 - b. Failed to bring attention through signage or other manner to those portions of the patron walkways which were encumbered or damaged, such as to constitute a slip, trip or fall hazard.

Received and filed in Tazewell County:

Virginia Circuit Court Clerk's Office

This the 19 day of Feb 2021

Time 10:14 A M

TESTE: *Heather Barrett*
Clerk, Deputy Clerk

6. As a direct and proximate result, thereof, Plaintiff sustained serious and permanent injuries, has been prevented from transacting her business, has suffered and will continue to suffer great pain of body and mind; has sustained permanent disability, deformity; has incurred and will incur in the future hospital, doctor and related bills in an effort to be cured of said injuries.

WHEREFORE, Plaintiff demands judgment against the Defendant, in the sum of Seventy-Five Thousand Dollars (\$75,000.00) in compensatory damages and her costs expended in this action, all with interest as allowed by law.

INTERROGATORIES

COMES NOW the Plaintiff, by counsel, and propounds the following Interrogatories to Defendant, pursuant to Rule 4:8 of the Rules of the Supreme Court of Virginia, answers which must be served within the time required by the Rules of the Supreme Court of Virginia:

1. Please state your full name, address, and position with the Defendant.

ANSWER:

2. Please identify all persons known to you to have personal knowledge of the facts of the accident forming the basis of this claim, and indicate those who were eye witnesses, each individuals address and telephone number, position and/or relationship with the Defendant, and state the substance of their knowledge and articulate their expected testimony.

ANSWER:

3. Please identify all expert witnesses who will be called at the trial of this case, the area of expertise of each, and a summary of the expected testimony of each.

ANSWER:

4. Please provide a summary of all communications, including the circumstances of when each occurred, that you, or your agents, have had with the Plaintiff, or anyone on her behalf relative to the accident.

ANSWER:

5. Please identify all witnesses you will present at the trial of this matter, including their physical address, phone number, and a summary of their expected testimony.

ANSWER:

PLEASE SUPPLEMENT

REQUEST FOR PRODUCTION OF DOCUMENTS

COMES NOW the Plaintiff, by counsel, and propounds the following Request for Production of Documents to Defendant, pursuant to Rule 4:8 of the Rules of the Supreme Court of Virginia, Responses which must be served within the time required by the Rules of the Supreme Court of Virginia:

1. All documents identified in your answers to Interrogatories.
2. All written reports of each person you expect to call as an expert witness at trial.
3. All documents upon which any expert witness you intend to call at trial relied to form their opinion.
4. The most recent resume or curriculum vitae of each expert whom you expect to call as an expert witness at trial.
5. All notes, correspondence, diagrams, photographs, x-rays or other documents prepared or reviewed by each person whom you expect to call as an expert witness at trial.
6. All written, recorded or signed statements of any party, concerning the subject matter of this action.
7. All photographs, videotapes or audio tapes, x-rays, diagrams, medical records, surveys or other graphic representations of information you will rely on in the defense of this action.
8. Any documents received pursuant to a subpoena request.
9. The video footage of the incident in question.

PLEASE SUPPLEMENT

NANCY L. JOHNSON
Of Counsel



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